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DATE: June 27, 2005

TO: ISSUE FEECOMPANY: U.S. PATENT AND TRADEMARK OFFICEFAX NO.: (703) 746-4000

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FROM: Pat DiGregorio (Cantor Colburn LLP)OUR REF: GEM-0031 (124510)YOUR REF: USSN 10/707,073TOTAL NUMBER OF PAGES SENT  
(INCLUDING THIS COVER SHEET): 5**COMMENTS: TO WHOM IT MAY CONCERN:**

Please find enclosed the Base Issue Fee and Publication Fee Transmittal Form for U.S. Serial No. 10/707,073. Also find enclosed a "Fee Address" Indication Form (1 page) and "Comments on Statement of Reasons For Allowance" (2 pages).

Please charge the Base Issue Fee and Publication Fee (\$1,700) to Deposit Account 07-0845.

Thank you,

CANTOR COLBURN LLP

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Appln. No. 10/707,073  
Docket No. GEM-0031

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln. No.: 10/707,073 : Confirmation No.: 1072  
Applicant: David George Reeves : Group Art Unit: 2832  
Filed: November 19, 2003 : Examiner: Barrera, Ramon M.  
Docket No.: GEM-0031 :

For: SUPPORT MEMBER FOR A SUPERCONDUCTING MAGNET ASSEMBLY

June 22, 2005

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Sir:

Provided herewith are comments on the Examiner's Statement of Reasons for Allowance presented in the Notice of Allowance dated March 29, 2005.

**CERTIFICATE OF MAILING OR TRANSMISSION**

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Patricia DiGregorio  
Name

*Patricia DiGregorio*  
Signature

June 27, 2005  
Date

Appln. No. 10/707,073  
Docket No. GEM-0031

The Examiner remarks that Marsing, the closest prior art of record, fails to teach certain features, including a magnet cartridge within an *outer* vacuum chamber, and said support member comprising *a support tube*. Paper 20050318, page 2.

While Applicant agrees that presented claims pertain to allowable subject matter, Applicant respectfully submits that to the extent that the Examiner's remarks suggest or state that certain limitations or combinations not found in the prior art are present in each and every allowable claim, whether or not specific language to that effect is found in every allowable claim, the record as a whole must be considered in addition to the Examiner's remarks, and, to the extent that the record as a whole is clear and complete, it shall control the interpretation of any and all allowable claims.

More specifically, the Examiner's statement of reasons implies that features found in the specification only, in the dependent claims only, or in some but not all independent claims only, are part of all of the allowable claims, when in fact the record clearly reflects that there are claims not so limited. For example, elements may be found in one claim but not in another. Accordingly, the other claims, and claims dependent from the other claims that do not recite the same as the one claim, are not so limited. For example, allowed independent Claim 1 does not recite an *outer* vacuum chamber nor *a support tube*, allowed independent Claim 21 does not recite an *outer* vacuum chamber, and allowed independent Claim 25 does not recite *a support tube*. Accordingly, these claims, and claims dependent from these claims that do not recite the same, are not so limited.

Respectfully submitted,  
CANTOR COLBURN LLP  
Applicant's Attorneys

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